

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Implementation of Section 621(a)(1) of the Cable)	MB Docket No. 05-311
Communications Policy Act of 1984 as Amended)	
by the Cable Television Consumer Protection and)	
Competition Act of 1992)	

COMMENTS OF Charter Township of Orion

Charter township of Orion and Orion Neighborhood Television appreciates the opportunity to file comments on the Second Further Notice and Proposed Rulemaking (“FNPRM”) in the above-referenced docket. Community Television has been thriving in Lake Orion Michigan for over 30 years and now it’s at risk with the proposed rules changes. Our community of 33,000, are active users of the Public Access, Education, and Government channels. Weekly, monthly, and quarterly programs are produced to this day totaling 800 programs per year. Franchise fees also support our local school district’s award winning video production program to the tune of \$250,000 in the last two years alone. These students now work throughout the U.S. as producers, reporters, and content creators. These are real careers that were started with cable franchise fees and PEG funding.

Besides local programs, our local media center supports non-profits, religious institutions, food drives, community awareness projects, public safety videos, candidate nights, training videos, media literacy camps, newscasts, and gavel to gavel government meeting coverage that draws over 19,000 views per year.

We strongly oppose the tentative conclusion in the FNPRM that cable-related in-kind contributions, such as those that allow our programming to be viewed on the cable system, are franchise fees.

The Orion community has long had a fine relationships with our local cable providers. Over the past 30 years, our three PEG channels, and the access to them, has never been categorized as a franchise fee. During negotiations to renew our recently signed franchise agreement with Comcast, not once did the access to the mandated channels be discussed as a franchise fee and that in-kind services would be a charged service.

The loss of franchise fees for our community would cripple our ability to provide the video services Orion Township residents have used weekly for the past 30 years. It's unbelievable that such rules changes would site that PEG services do not offer value to the public or cable consumer! In Orion Township our viewers watch gavel to gavel meeting coverage weekly, school sporting events, local news not covered by our regional news outlets, and our local senior citizen produced program titled "Active Living". Roughly 800 local programs annually are produced for local consumption at Orion Neighborhood Television.

Franchise fees also offer our local school district the much needed funds to maintain their award winning high school video program. These funds are used to purchase equipment and support internships at our public access studio. These funds help students earn scholarships, develop a trade, and establish real careers. This program would be in jeopardy if funding ceases.

Our local library, churches, and nonprofits also rely on our community television studio to help promote their services and missions. Support to community food drives, fundraising, and community initiatives will be impacted directly without funding.

As demonstrated above, Orion Township and Orion Neighborhood Television provide valuable local programming that is not otherwise available on the local cable system or in other modes of video delivery such as satellite. Yet the Commission tentatively concludes that non-capital PEG requirements should be considered franchise fees because they are, in essence, taxes imposed for the benefit of LFAs or their designated PEG providers. By contrast, the FNPRM tentatively concludes that build-out requirements are not franchise fees because they are not contributions to the franchising authority. The FNPRM then requests comment on “other requirements besides build-out obligations that are not specifically for the use or benefit of the LFA or an entity designated the LFA and therefore should not be considered contributions to an LFA.” PEG programming fits squarely into the category of benefits that do not accrue to the LFA or its designated access provider, yet the Commission concludes without any discussion of the public benefits of local programming that non-capital PEG-related provisions benefit the LFA or its designee rather than the public at large.]

In summary, PEG funds only address a small portion of Orion Neighborhood Television funding. Orion Township decided long ago that any funds collected via the franchise agreements would be put to use informing, teaching, supporting our resident’s right to free speech, and supporting the community at large. Government meeting coverage alone offers unique programming our community greatly values. Open and transparent government is supported and encouraged when meetings are televised. Our community's collective history has been recorded for future generations to reflect on as well. The hungry in our community have been assisted with our food drive television programs, our students have been taught a trade, our resident shut ins can see their nieces and nephews, grandsons and daughters, compete in sports, perform in a concert, and walk across the stage at graduation because of community television. There is a direct

community impact with the services from PEG centers. Communities will lose a uniquely local and community based entity with this funding loss. To say otherwise is disingenuous at best, supremely selfish at worst.

We appreciate the opportunity to add to the record in this proceeding.

Respectfully submitted,
[SIGNATURE]

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11/05/18